

## Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 IO-13 ISO-00 DLOS-09 CAB-02 CIAE-00  
COME-00 DODE-00 DOTE-00 INR-07 NSAE-00 EPG-02  
FAA-00 OES-07 L-03 /063 W  
-----151555Z 078753 /53

P R 151435Z JUN 77  
FM AMCONSUL MONTREAL  
TO SECSTATE WASHDC PRIORITY 9081  
INFO USMISSION USUN NEW YORK

C O N F I D E N T I A L MONTREAL 966

USUN FOR LOS DEL

E. O. 11652: GDS  
TAGS: PORG, EAIR, ICAO  
SUBJ: PROPOSED STATEMENT AT LOS CONFERENCE BY ICAO OBSERVER

REF: STATE 134651

1. PER TELEPHONE INSTRUCTIONS JUNE 10 FROM GRAVATT/EB AND LARSEN/  
DOT (PRIOR TO RECEIPT OF REFTEL AT COB), USREP AND UKREP MET WITH  
PRESIDENT COUNCIL AFTERNOON JUNE 10 WITH REQUEST THAT STATEMENT  
OF ICAO OBSERVER AT LOS CIRCULATED MAY 17 NOT BE PRESENTED  
AND OBSERVER REFRAIN FROM COMMENTING AT LOS CONFERENCE.

2. PRESIDENT QUICKLY POINTED OUT THAT STATEMENT WAS  
CIRCULATED MONTH AGO WITH 10 DAY DEADLINE AND THAT US HAD NOT  
COMMENTED WITHIN 10 DAYS, AND THAT UK COMMENTS HAD BEEN  
INCORPORATED IN PROPOSED OBSERVER STATEMENT. NO OTHER FORMAL  
COMMENTS HAD BEEN RECEIVED ALTHOUGH PRC HAD VERBALLY EXPRESSED  
DISSATISFACTION WITH PARA 5 OF STATEMENT AND BRAZIL AND MEXICO  
HAD VERBALLY REITERATED THEIR OPPOSITION TO ANY STATEMENT BY ICAO.  
IN VIEW OF STRONG OPPOSITION IN COUNCIL DISCUSSIONS, AND  
PERSISTENCE US/UK REPS, PRESIDENT COUNCIL AGREED TO APPROACH  
SEVERAL COUNCIL REPS INFORMALLY IN HOPE OF FIRING UP AN OBVIOUS  
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MAJORITY FOR RETURNING TO STATUS QUO ANTE, THAT IS, NO STATEMENT  
BY ICAO OBSERVER. HE ADVISED USREP AND UKREP THAT UNLESS WE  
HEARD FROM HIM HE WOULD ANTICIPATE CASUALLY MAKING THIS SUGGESTION  
UNDER "OTHER BUSINESS" JUNE 13.

3. AT END OF COUNCIL MEETING JUNE 13 HE MADE BRIEF PRESENTATION  
TO THE EFFECT THAT "SEVERAL REPS" HAD NOT BEEN ABLE TO REACH

AGREEMENT ON CONTENT OF PROPOSED STATEMENT AND IN VIEW OF THE TIME LIMIT IT WAS NOT POSSIBLE TO MAKE FURTHER EFFORTS. THEREFORE HE SUGGESTED THAT UNLESS THERE WAS OBJECTION COUNCIL AGREE THAT THERE WOULD BE NO STATEMENT BY ICAO OBSERVER AT LOS. BY PRIOR AGREEMENT SENEGAL REP MADE STRONG STATEMENT FOR RECORD ONLY THAT THIS WAS BAD PROCEDURE AND HE FELT THE MATTER SHOULD BE RE-OPENED FOR COUNCIL DISCUSSION. MADAGASCAR REP, WHO ALWAYS DOES WHAT SENEGAL DOES, ASSOCIATED HIMSELF. AT THIS POINT GERMANY REP, NOT KNOWING THE GAME, PROPOSED THAT THE QUESTION COME BACK TO COUNCIL ON AN OB WITH A WORKING PAPER FOR THOROUGH DISCUSSION SINCE HE AND OTHERS HAD SENT THE MAY 17 STATEMENT TO THEIR LOS DELS. PRESIDENT HANDLED THIS WELL AND GERMANY DID NOT PURSUE BUT BRAZIL FELT OBLIGED TO WEIGH IN. HE REITERATED OPPOSITION TO ANY STATEMENT BEING GIVEN BUT POINTED UP THE ECONOMIC ZONE ISSUE EMPHASIZING THAT WHATEVER THE LOS DECIDED IS NOT BINDING ON ICAO AND WE CAN CONSIDER THE IMPLICATIONS FOR AVIATION AND CHICAGO CONVENTION AFTER LOS. SENEGAL ASKED THAT THE COUNCIL DECISION ON THIS MATTER BE READ OUT WHICH LED TO CONFIRMATION BY THE PRESIDENT THAT STATUS QUO ANTE MEANT NO ICAO STATEMENT BUT FACTUAL REPLIES TO QUESTIONS IF PUT. FRANCE INTERVENED TO ADVISE COUNCIL THAT "HE KNOWS A CERTAIN DELEGATION WHICH WILL ASK A QUESTION ABOUT AIR LAW." FYI: AFTER MEETING USREP EXPLAINED PROBLEM TO FRANCE WHO HAD THOUGHT WE WERE TRYING TO LIMIT THE OBSERVER'S ANSWERS TO TEXT OF THE PROPOSED STATEMENT. ON UNDERSTANDING SITUATION, FRANCE (AND UK) BOTH INDICATED NO PROBLEM WITH OBSERVER ANSWERING QUESTIONS FACTUALLY, POINTING OUT THAT THEIR DELS CAN TIME THE QUESTIONS TO BE USEFUL. END FYI.

4. COUNCIL ACCEPTED THE PRESIDENT'S SUGGESTION BY CONSENSUS. THE CONFIDENTIAL

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ICAO OBSERVER IS GOING TO NEW YORK JUNE 20. HE WILL NOT MAKE A STATEMENT. IF QUESTIONS ARE ADDRESSED TO HIM HE WILL GIVE FACTUAL ANSWERS BASED ON CHICAGO CONVENTION, NOTHING MORE.

5. USREP WOULD APPRECIATE EARLY REPORT ON OBSERVER'S ANSWERS TO QUESTIONS IF ANY, AND ANY INFORMAL PARTICIPATION ON MAJOR ISSUES. HARPER

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## Message Attributes

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**Disposition Date:** 22 May 2009  
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**Review Markings:**  
Margaret P. Grafeld  
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